IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22832 of 2007(R)

OS.361/1983 of ADL.SUB COURT, THALASSERY

.....

PETITIONER:

VRINDA A.M., W/O. PRAKASH,
PRAKASH BUNGALOW, CHIRAKKARA, THALASSERY-1.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

THE KERALA STATE COIR CORPORATION LTD.,
P.B.NO.191, ALAPPUZHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 22832 OF 2007 R

Dated this the 25th July, 2007.

JUDGMENT

This writ petition is filed to direct the Additional Subordinate Judge, Thalassery to postpone the sale to be held on 30.7.2007. At the outset I may like to point out that the suit is of the year 1983 and the E.P is of the year 1993 and the decree holder is still in the veranda of the court for realisation of the amount due under a valid decree passed by a civil court. Now the judgment debtor has filed an application before the Government for some concession and requests this Court to postpone the sale till a decision is arrived at on that point. Legally the writ petitioner is not entitled for any substantive relief in the writ petition. I am informed that it is the dwelling house of the person that is attempted to be sold in auction. If there is earnestness and eagerness at least at this stage to wipe off the liability a breathing time can be granted to save the property from being sold by the court. Therefore, if the writ petitioner pays/deposits an amount of Rs.68,000/- (Rupees sixty eight thousand only) on or before 30.7.2007 the court below shall adjourn the sale by a period of one month and if there is appropriate reasons thereafter it can also give a breathing time so

that the benefit the petitioner if entitled to receive from the Government may not be blocked by sale of the property. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

jj